

SENATE BILL 375

By Bunch

AN ACT to amend Tennessee Code Annotated, Title 68,  
Chapter 221, relative to subsurface sewage  
disposal systems and alternative methods of  
disposal.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 68-221-403(j), is amended by  
deleting subsection (j) in its entirety and by substituting instead the following language:

(j)

(1) In addition to the department's authorization for systems which have  
gained the approval of the National Sanitation Foundation, the department shall  
also authorize the use of any alternative system which meets the National  
Sanitation Foundation Standard 40 conducted by a research I institution that has  
an accredited civil and environmental engineering program; provided, that the  
applicant shall:

(A) Submit to the department a contingency plan providing for  
sewage disposal in the event the alternative system should fail; and

(B) Pay to the department, and if the lot, house or other type of  
building or establishment in question is sold, any subsequent owner shall  
pay to the department, in addition to all other fees prescribed, an annual  
special inspection fee of fifty dollars (\$50).

(2) If the department authorizes the use of an alternative system, then  
the department shall issue to the applicant a permit that includes any installation,  
operation, and maintenance requirements deemed necessary by the department.  
Such permit shall be subject to an annual renewal process including inspection of  
the system by the department.

(3) If the department denies an application submitted pursuant to this subsection, then the department shall return to the applicant a written response specifying the reasons that the application has been denied and recommending to the applicant other systems that would potentially be approved. The department shall annually report to the senate environment, conservation, and tourism committee and the house conservation and environment committee concerning:

(A) The number of applications received, the number of systems approved or denied, and the reasons for approving or denying such systems;

(B) The number of applications denied because the department found that no subsurface sewage system would be appropriate and the reasons for such determination; and

(C) Any system failures that have occurred.

(4) Any person who fails to pay the special inspection fee as required by subdivision (1), fails to apply for permit renewal as required by subdivision (2), or fails to perform installation, operation, or maintenance as required by the permit issued by the department commits a violation of this part.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.